



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,769	02/03/2000	Tomotaka Yamazaki	SONYJP3.0-098	6673
530 7590 02/07/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/496,769	Applicant(s) YAMAZAKI ET AL.	
	Examiner Reuben M. Brown	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-11,16-21,26-31 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-11,16-21,26-31 and 36-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/5/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are not persuasive. On pages 13-14, applicant argues, "Here, as best understood by applicants, the Office Action merely states that dynamic assignment and releasing of IP addresses "reads on" the "unique terminal identification information" of the claims. However, the claims require much more. For instance, in claim 1 the transmitting step includes '*converting said unique terminal information into converted unique terminal information comprising a key ID and transmitting*

Art Unit: 2623

said converted unique terminal information to said one receiving terminal'. The Office Action does not appear to address this feature on the merits in the rejection".

Examiner points out that Hrastar is merely cited to teach the claimed feature, '*said unique terminal information being selected in a manner unrelated to said authentication data*'. Hrastar discloses that each host (which corresponds with the claimed, '*receiving terminal*', and the one or more user computers 34, of Fawcett, see Fig. 2; col. 4, lines 61-67 thru col. 5, lines 35 & col. 5, lines 61-67 thru col. 6, lines 1-35) is assigned an IP address in order to communicate with the server; col. 6, lines 1-42 & col. 10, lines 54-67. The IP address of each host, i.e., '*receiving terminal*', *is selected in a manner unrelated to the authentication data of the receiving terminal*', see col. 16, lines 48-67 thru col. 17, lines 30.

As for the additionally claimed features of, '*converting the unique terminal information into converted unique terminal information comprising a key ID and transmitting said converted unique terminal information to said one receiving terminal...at receiving terminal...comparing the transmitted key ID to an assigned key ID generated at the receiving terminal...upon determining that the transmitted key ID and the assigned key ID are identical...returning said converted unique terminal information to said unique terminal information....storing said unique terminal information*', Matsuzaki teaches the claimed subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-9, 11, 16-19, 21, 26-29, 31, & 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett (U.S. Pat # 5,845,077), in view of Hrastar, (U.S. Pat # 6,208,656) and Matsuzaki, (U.S. Pat # 6,058,476).

Considering claim 1, the claimed method of transmitting data from a transmission apparatus to one of a plurality of receiving terminals comprising:

'communicating between the one receiving terminal and the transmission apparatus via an Internet system, such that the receiving terminal is operable to receive a digital broadcasting signal' is met by the discussion in Fawcett that the system operates over the Internet and that the network is enabled to carry digital data streams, see col. 5, lines 61-67 thru col. 6, lines 1-15.

Art Unit: 2623

'receiving authentication data associated with one of the receiving terminals and authenticating the instant authentication data', Fawcett discloses that a logon script may be used in the event that the user chooses to re-connect to the server at a later time in order to receive the updates (col. 8, lines 49-67 thru col. 9, lines 1-20) and also discloses authorization.

Regarding the claimed, *'transmitting unique terminal information identifying the one receiving terminal as a destination and an update program to change the processing of the one receiving terminal, such that the unique terminal identification information being selected in a manner unrelated to the authentication data'*, Fawcett does not discuss the details of the authentication process. Nevertheless Hrastar, which is in the same field of endeavor discloses that after a user is authenticated by the ISP server, a particular IP address (which uniquely identifies the host on the network) is dynamically assigned to the computer (i.e., host) and transmitted to the instant host, see col. 16, lines 30-67 thru col. 17, lines 30 & col. 18, lines 1-40.

Hrastar teaches that the dynamically assigned IP address is taken from a list of available IP addresses, whereas the list of available IP addresses is updated whenever a new host is assigned IP address' or a host/modem 106 becomes inactive for a certain period of time thereby releasing their assigned IP address', which reads on the claimed feature, *'unique terminal identification information being selected in a manner unrelated to the authentication data'*. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Fawcett with the feature of dynamically assigning IP addresses, instead of static IP address assignment, at least for the advantage of using IP addresses that have been released by

Art Unit: 2623

inactive hosts, which allows more hosts to access the Internet using the limited IP addresses, see Hrastar col. 3, lines 1-65; col. 6, lines 10-42; col. 11, lines 1-20; col. 15, lines 45-67; col. 19, lines 1-20.

Thus, the claimed subject matter is met by the combination of Fawcett & Hrastar, since Fawcett discloses the specifically claimed, 'update program to change the operation of the terminal', for instance see Abstract; col. 2, lines 10-67; col. 3, lines 1-46; col. 5, lines 12-49; col. 10, lines 49-62.

As for the additionally claimed feature of, *'the transmitting step including converting the unique terminal information into converted unique terminal information comprising a key ID and transmitting the converted unique terminal information to the one receiving terminal'* and *'receiving terminal comparing the transmitted key ID to an assigned key ID generated at the receiving terminal to determine whether the transmitted key ID and the assigned Key ID are identical, and upon determining that the transmitted key ID and the assigned key ID are identical, updating processing...'*, the combination of Fawcett & Hrastar, do not provide such a feature. However, Matsuzaki provides a teaching of two-way authentication process, in which a receiving terminal device 52 generates a random number (R4), a copy of which (RR4) is appended to a random number generated by a transmitting device 51, (R3), wherein (R3) has been previously transmitted to, decrypted and stored by receiver device 52 (RR3) such that these two numbers, R3||RR4 are used to form a key ID, K, which is used to encrypt private data, mj, being sent from the transmitter 51 to the receiver 52, see (Fig. 3; col. 12, lines 1-67 thru col. 13,

Art Unit: 2623

lines 1-62). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Fawcett & Hrastar with the feature of forming a transmission key ID at least partially with a value generated by the receiver, at least for the improved security protocol of authenticating both the transmitter device and the receiver device, as taught by Matsuzaki see col. 4, lines 17-48 & col. 5, lines 45-67.

'returning the converted unique terminal information comprising key ID to the unique terminal information' reads on the user computer terminal in Fawcett (col. 9, lines 1-7) & Matsuzaki decrypting the encrypted information.

'storing the unique terminal information and the update program in storage after the returning step'; 'transmitting from the one receiving terminal to the transmission apparatus a transfer request based on the update program and the unique terminal information; and supplying data responsive to the transfer request from the transmission apparatus to the receiving terminal based on the unique terminal information' reads on the combination of Fawcett (Fig. 5; col. 5, lines 25-67; col. 8, lines 40-67; col. 9, lines 27-58), Hrastar (col. 9, lines 1-34; col. 16, lines 30-67 thru col. 17, lines 1-16; col. 19, lines 10-16) .

Considering claims 6, 16, 26 & 36, Fawcett (col. 5, lines 21-24) & Hrastar (col. 7, lines 10-19) disclose the alternative use of a satellite transmission system.

Art Unit: 2623

Considering claims 7, 17, 27 & 37, Fawcett (col. 5, lines 61-67 thru col. 6, lines 1-65), Hrastar (Abstract; col. 4, lines 45-67 thru col. 5, lines 1-25) discuss Internet communication.

Considering claims 8, 18, 28 & 38, the claimed terrestrial circuit reads on wireless connections, disclosed in Fawcett, (col. 5, lines 1-26) or terrestrial disclosed in Hrastar (col. 7, lines 1-20).

Considering claims 9, 19, 29 & 39, the claimed subject matter is met by any software upgrade that includes visual interface for the user; see Fawcett, col. 6, lines 24-67.

Considering claims 11, 21 & 31, the claimed system, receiving system and method of receiving data comprises elements that correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

5. Claims 10, 20, 30 & 40, 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett, Hrastar & Matsuzaki and further in view of Chiang, (U.S. Pat # 5,835,725).

Considering claims 10, 20, 30 & 40-44, Hrastar teaches that the server dynamically assigns an IP address, to the hosts 108, which is a is a unique terminal information and a logical address, instead of the claimed physical address or MAC address. However, Chiang which discloses details in a high-speed communication network discloses dynamically allocating a

Art Unit: 2623

MAC address to the terminal in a particular network, see Abstract; col. 7, lines 34-67 thru col. 8, lines 1-56 & col. 9, lines 32-44. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Fawcett, Hrastar & Matsuzaki with the feature of dynamically assigning a MAC address for a terminal, at least for the benefit of uniquely identifying the terminal in a heterogeneous network, which more efficiently allows for client/sever communication by extending principles of the dynamic address assignment technique to different physical network hardware platforms and communications architecture, as taught by Chiang, col. 5, lines 10-45.

Art Unit: 2623

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER